

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

ETHAN RADVANSKY, on behalf of  
himself and others similarly situated,

Plaintiff,

v.

DESTINATION XL GROUP, INC.,

Defendant.

No. 1:25-cv-02777-TWT

CLASS ACTION

JURY TRIAL DEMANDED

**DEFENDANT'S MOTION TO DISMISS  
AND/OR STRIKE PLAINTIFF'S COMPLAINT**

Pursuant to Federal Rule of Civil Procedure 12(b)(6), Defendant Destination XL Group, Inc. hereby moves to dismiss all claims asserted in Plaintiff Ethan Radvansky's Complaint based on a failure to state a claim upon which relief may be granted. Alternatively, Defendant moves to strike Plaintiff's deficient class allegations in the Complaint pursuant to Federal Rules of Civil Procedure 12(f) or 23. For all the reasons shown in its contemporaneously filed Memorandum, Defendant respectfully requests the Court either dismiss all claims asserted against it or strike Plaintiff's class allegations in the Complaint.

Dated: August 4, 2025

Respectfully submitted,

By: /s/ Spencer M. Stephens

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*Counsel for Defendant Destination XL Group, Inc.*

## **CERTIFICATE OF COMPLIANCE**

Pursuant to Local Rule 7.1(D), the undersigned hereby certifies that this document has been prepared in accordance with Local Rule 5.1(C).

/s/ Spencer M. Stephens  
Spencer M. Stephens

*Counsel for Defendant Destination XL Group, Inc.*

## **CERTIFICATE OF SERVICE**

I hereby certify that I filed the foregoing document electronically on the Court's CM/ECF docket on August 4, 2025 which served same electronically upon all counsel of record.

/s/ Spencer M. Stephens  
Spencer M. Stephens

*Counsel for Defendant Destination XL Group, Inc.*